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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,134	08/01/2000	Samuel N. Zellner	BS00-065	5969
7590 ROGER T. FROST, ESQ. MERCHANT & GOULD P.C. P. O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER RAMPURIA, SHARAD K	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/29/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/630,134

**Applicant(s)**

ZELLNER ET AL.

**Examiner**

SHARAD RAMPURIA

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11,15-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,15-19 and 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/11/2009 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-11, 15-19, 21-26, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schuster et al.** [US 6650901], **Vasa; Suzy et al.** [US 6324396 B1] further in view of **Alperovich; Vladimir et al.** [US 6185426 B1].

Regarding Claim 1, **Schuster** teaches:

A method for providing the service that delivers the geographic location of a calling party on a VOIP phone (Abstract, col.7; 29-32) comprising:

Receiving a call transmitted from a calling party's IP network to a called party, wherein data associated with the call includes an IP address of the calling party; and a directory number corresponding to the IP address (Col.17; 44-62, Col.20; 14-27)

**Schuster** doesn't disclose expressly, in response to receiving the call, triggering a query associated with the called party; and requesting the geographic location of the calling party; receiving information returned on a circuit signaling network in response to the request, and including, geographic location information associated with the calling party and recorded by a geographic location-tracking network; and terminating the call and delivering the geographic location information to the called party. However, **Vasa** teaches in an analogous art, that in response to receiving the call, triggering a query associated with the called party; and requesting the geographic location of the calling party; receiving information returned on a circuit signaling network in response to the request, and including, geographic location information associated

with the calling party and recorded by a geographic location-tracking network; and terminating the call and delivering the geographic location information to the called party. (e.g. providing location update; Col.6; 60-Col.7; 52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include in response to receiving the call, triggering a query associated with the called party; and requesting the geographic location of the calling party; receiving information returned on a circuit signaling network in response to the request, and including, geographic location information associated with the calling party and recorded by a geographic location-tracking network; and terminating the call and delivering the geographic location information to the called party in order to provide a method for providing the service to a calling party based on its location.

The above combination doesn't disclose expressly, wherein delivering the geographic location information to the called party comprises providing the geographic location information of the calling party in relation to a landmark. However, **Alperovich** teaches in an analogous art, that wherein delivering the geographic location information to the called party comprises providing the geographic location information of the calling party in relation to a landmark. (e.g. landmark; Col.3; 64-Col.4; 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include wherein delivering the geographic location information to the called party comprises providing the geographic location information of the calling party in relation to a landmark in order to provide a technique for providing information regarding the location of the calling party.

Regarding Claims 2, 22, Schuster disclosed The method of claims 1, 17, wherein if the call is from a stationary device, the geographic location information is recorded during the calling party's service activation. (Col.14; 15–24)

Regarding Claim 4, the above combination disclosed all the particulars of the claim except the step of recording the geographic location information after the call originates from the calling party and before the call is received at the network element associated with the calling party. However, **Alperovich** teaches in an analogous art, that the method of claim 1, wherein if the call is from a mobile device, the method further comprises the step of recording the geographic location information after the call originates from the calling party and before the call is received at the network element associated with the calling party. (Col.2; 50–67)

Regarding Claims 5, 24, Schuster disclosed The method of claims 4, 17, the step of recording the geographic location information comprises using a geographic location system to determine a current geographic location of the mobile device. (Col.11; 3–7)

Regarding Claims 6, 26, 28-30, Schuster disclosed The method of claims 5, 17, wherein the current geographic location is in raw form and wherein the step of recording the geographic location information further comprises translating the current geographic location into a displayable form. (Col.9; 7-26 & Col.14; 25–34).

Regarding Claim 7, Schuster disclosed The method of claim 1, wherein the step of retrieving the geographic location information comprises searching a database for the calling party's geographic location information using the IP identifier of the calling party. (Col.20; 53-Col.21; 7)

Regarding Claim 8, Schuster disclosed The method of claim 1, wherein the step of retrieving the geographic location information further comprises translating the geographic location information to a displayable form. (Col.9; 7-26 & Col.14; 25-34)

Regarding Claims 9, 25, Schuster disclosed The method of claims 8, 24, wherein the geographic location information is global positioning system coordinates. (Col.9; 7-26 & Col.14; 25-34).

Regarding Claim 10, Schuster disclosed The method of claim 8, wherein the displayable form is a building name. (Col.9; 7-26 & Col.14; 25-34)

Regarding Claim 11, Schuster disclosed The method of claim 1, wherein delivering the geographic location information uses a medium selected from the group consisting of textual displays, graphical displays, and audio messages. (Col.9; 21-26)

Regarding Claim 15, Schuster disclosed The method of claim 1, wherein a network that tracks geographic locations of network devices provides the location information. (Col.9; 7-26 & Col.14; 25-34)

Regarding Claims 16, 23, Schuster disclosed The method of claims 15, 17, wherein the network provides enhanced 911 services. (Col.9; 2-6)

*Claim 17* is the system claim corresponding to method claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

Regarding claim 18, Schuster disclosed the system of claim 17, wherein the query is a query for routing instructions, the service control point is adapted to provide routing instructions, and the service control point returns routing instructions with the geographic location description to the central office which forwards the geographic location description to a display unit. (Col.9; 7-26 & Col.14; 25-34)

Regarding Claim 19, Schuster disclosed The system of claim 18, wherein the routing instructions are in the form of a transaction capability application part response. (Col.9; 7-26 & Col.14; 25-34)



Regarding claim 21, Schuster disclosed The system of claim 20, wherein the network devices are mobile devices and the network continually updates the address database with new geographic location descriptions. (Col.17; 44-62)

Regarding claim 31, Schuster disclosed The system of claim 17, further comprising a name database cross-referencing calling party names with directory numbers, corresponding to IP addresses, Wherein the control server searches the name database for a name corresponding to the directory number, and forwards the name to a display unit, and wherein the display unit displays the geographic location description and the name. (Col.14; 66-Col.15; 9)

Regarding claim 32, Schuster disclosed The system of claim 31, wherein the display unit is a calling name display unit. (Col.14; 66-Col.15; 9)

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Schuster & Vasa, Alperovich** further in view of **Rayburn** [US 6937869].

Regarding Claim 27, the above combination disclosed all the particulars of the claim except wherein the network-based geographic location system is a Wireless Application Protocol location system. However, Rayburn teaches in an analogous art, that The system of claim 26, wherein the network-based geographic location system is a Wireless Application Protocol location system. (Col.16; 59-64) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include wherein the network-based

geographic location system is a Wireless Application Protocol location system in order to provide methods and systems for generating and providing route plans to mobile telecommunications subscribers.

***Response to Amendments & Arguments***

Applicant's arguments filed on 08/11/2009 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-2, 4-11, 15-16, have been fully considered but are moot in view of the new ground(s) of rejection.

***Relating to Claim 17:***

In view of the fact, that **Schuster** teach, "A dispatcher responding to the telephone call at the data network telephone 218 at the emergency dispatch center hears an audio message containing the location information and may send help without any action by User A. (**Schuster**, Col.20; 56-Col.21; 7). Thus, it is evidently, the explanations above are directed to delivering the audio message, that positively, edify by **Schuster**. Hence, it is believed that **Schuster** still teaches the claimed limitations.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617